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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LOCAL 10, INTERNATIONAL LONGSHORE )	
AND WAREHOUSE UNION, et al., )	<b>File No.</b> No. C 03-2962 TEH (JL)
Plaintiffs, )	
vs. )	Hon. Thelton E. Henderson
CITY OF OAKLAND; et al., )	
Defendants. )	<b>STIPULATION AND (<del>PROPOSED</del>) ORDER</b>
	<b>DISMISSING INDIVIDUAL OFFICER</b>
	<b>DEFENDANTS WITH PREJUDICE AS TO</b>
	<b>PLAINTIFF LAWRENCE MENARD ONLY</b>

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C03-2962 THE (JL)**

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**STIPULATION**

IT IS HEREBY STIPULATED by and between the parties, Plaintiff LAWRENCE MENARD, and the Defendants CITY OF OAKLAND, RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO, through their designated counsel that the above-captioned action entitled Local 10, International Longshore and Warehouse Union, et al., vs. City of Oakland, et al, and numbered C 03-2962 TEH (JL), be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(1), as to all of the claims of plaintiff LAWRENCE MENARD ONLY, against the individual officer defendants ONLY, whose names are listed as follows:

RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO.

It is acknowledged that LAWRENCE MENARD's claims against the CITY OF OAKLAND are to be resolved pursuant to his acceptance of the CITY OF OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to California CCP § 998 dated February 17, 2005. This dismissal with prejudice of the individual officer defendants is a condition of that offer of judgment and offer to compromise.

1 Dated: May 12, 2005

2 /s/James B. Chanin

3 JAMES B. CHANIN

4 Attorney for Plaintiffs in Local 10, et al.

5 Dated: May 18, 2005

6 /s/Gregory M. Fox

7 GREGORY M. FOX

8 Attorney for Defendants City of Oakland et al.

9 **ORDER**

10 Having reviewed the stipulation of the parties, and good cause appearing therefore

11  
12 THIS COURT ORDERS THAT, pursuant to the parties' stipulation and the CITY OF  
13 OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to  
14 California CCP § 998 dated February 17, 2005, and plaintiff LAWRENCE MENARD's acceptance  
15 thereof, Plaintiff LAWRENCE MENARD's action No. C -03-2962 THE (JL) shall be and hereby is  
16 dismissed with prejudice as against the following defendants ONLY: RICHARD WORD, PATRICK  
17 HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER,  
18 E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M.  
19 RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M.  
20 MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM,  
21 SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F.  
22 UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E.  
23 ROMANS and OFF. C. DELROSARIO.  
24  
25

26 BY STIPULATION OF THE PARTIES, IT IS SO ORDERED.

27 12/12/05

28 DATE



THELTON E. HENDERSON

4 UNITED STATES DISTRICT JUDGE

*I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this E-filed document.*

Dated: December 9, 2005.

/s/Gregory M. Fox  
GREGORY M. FOX